No. 97-209

(2)

Supreme Court, U.S.
FILED
SEP 3 1997
CLERK

In The

Supreme Court of the United States

October Term, 1996

ROBERT J. TOLCHIN, individually and on behalf of all others similarly situated,

v. *Petitioner,*

THE SUPREME COURT OF THE STATE OF NEW JERSEY, ROBERT WILENTZ (intended to be the Chief Judge of the Supreme Court of New Jersey), STEPHEN W. TOWNSEND (intended to be the Clerk of the Supreme Court of New Jersey), THE NEW JERSEY STATE BOARD OF BAR EXAMINERS, SAMUEL J. UBERMAN (intended to be the Assistant Secretary of the New Jersey Supreme Court who plaintiff believes to direct the State Board of Bar Examiners), THE NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION and JOSEPH J. HOGYA (intended to be the Institute for Continuing Legal Education Skills Training Course Director),

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

BRIEF IN OPPOSITION

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36 pp

COUNTERSTATEMENT OF QUESTION PRESENTED

Respondents New Jersey Institute for Continuing Legal Education ("I.C.L.E.") and Joseph J. Hogya (collectively "the I.C.L.E. respondents") present the following counterstatement to the questions presented in the Petition for a Writ of Certiorari filed by Robert J. Tolchin ("the petitioner"):[1]

Whether a rule adopted by respondent New Jersey Supreme Court and implemented by the I.C.L.E. respondents, which requires that all attorneys newly admitted to the New Jersey bar attend skills and methods courses offered at a choice of locations in the State of New Jersey, is not violative of the Commerce Clause of the United States Constitution because it:

a. applies to both resident and nonresident attorneys, all of whom must attend the required courses;

b. serves legitimate state interests in regulating the legal profession and in ensuring that those who will be practicing in the State will be familiar with its laws and procedures; and

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[1] Neither New Jersey Institute for Continuing Legal Education nor Joseph J. Hogya, its skills and methods course director, have anything to do with the bona fide office rule which is the subject of two of the three questions which the Petition presents to the Court for review. Accordingly, this counterstatement addresses only the third question presented by the petitioner which concerns the mandatory attendance rule for the skills and methods course set forth in N.J.Ct.R. 1:21-1(a).

c. burdens, only incidentally, those attorneys who reside a distance from the multiple locations in New Jersey where the required courses are offered.

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CONSTITUTIONAL PROVISION AND STATE COURT RULES AT ISSUE

The Petition for a Writ of Certiorari presents the Court with questions concerning alleged violations of the Commerce Clause of the United States Constitution as a result of the application of two rules adopted by the New Jersey Supreme Court.

U.S. Const. art I, § 8

> The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes. . . .

N.J.Ct.R. 1:21-1(a)

> [N]o person shall practice law in this State unless that person is an attorney holding a plenary license to practice in this State, has complied with the R. 1:26 skills and methods course requirement in effect on the date of the attorney's admission, is in good standing, and maintains a bona fide office for the practice of law in this State regardless of where the attorney is domiciled. . . .

N.J.Ct.R. 1:26

> All newly admitted attorneys shall successfully complete a skills and methods course that has been approved by the Supreme Court. . . .

COUNTERSTATEMENT OF THE CASE

The New Jersey Supreme Court, in N.J.Ct.R. 1:26, requires that "[a]ll newly admitted attorneys shall successfully complete a skills and methods course that has

been approved by [it]." This Rule further provides that, "[p]ursuant to [N.J.Ct.]R. 1:21-1(a),[2] failure to complete the course successfully shall render an attorney ineligible to practice law." Accordingly, pursuant to these rules, any attorney who has passed the New Jersey bar examination since January 1, 1987, and has met the other plenary admission requirements of N.J.Ct.R. 1:27-1,[3] has been eligible for admission to the bar of the State of New Jersey. All such newly admitted attorneys, however, additionally have been required to complete the skills and methods course, referenced by the Supreme Court in N.J.Ct.R. 1:26, in order to maintain their eligibility to practice law.

The changes to N.J.Ct.R. 1:26, which became effective on January 1, 1987, were adopted by the New Jersey Supreme Court based on recommendations made in a May 31, 1984 report of the Advisory Committee on Bar Admissions, on which all members of the New Jersey Board of Bar Examiners sat. This report, published in the June 21, 1994 edition of the *New Jersey Law Journal*,[4] recommended that attendance at skills and methods

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[2] The pertinent text of N.J.Ct.R. 1:21-1(a) is set forth, *supra*, at page 1.

[3] In addition to passage of the New Jersey bar examination, the plenary admission requirements of N.J.Ct.R. 1:27-1(a) include: (a) certification of good character by the Committee on Character; and (b) attainment of a qualifying score on the Multi-State Professional Responsibility Examination or passage of an approved course on professional ethics.

[4] At all relevant times, the *New Jersey Law Journal* was the official organ for publication of all notices by the courts of New Jersey with respect to practice and procedure.

course lectures be mandatory and indicated that such attendance was "regarded as a serious matter."

Following receipt and review of the Advisory Committee's written report, the Supreme Court of New Jersey referred the recommendations to an ad hoc working group for the development of a concrete proposal for the restructuring of the skills and methods course which had been initiated in 1964 in order to address the lack of uniform quality in the prior pre-admission clerkship system. This ad hoc group submitted its proposal to restructure the skills and methods course, which also included a mandatory attendance requirement, to the Supreme Court of New Jersey. This formal "Proposal to Restructure [the] Skills and Methods Course" was published by the Supreme Court in the January 30, 1986 issue of the *New Jersey Law Journal*.

After a period which allowed for public comment, on June 17, 1986, the Supreme Court of New Jersey adopted the ad hoc group's proposal to restructure the skills and methods course, including the mandatory attendance requirement. I.C.L.E. was approved by the New Jersey Supreme Court to administer the restructured skills and methods course and was directed to implement the mandatory attendance policy. Based on the direction of the New Jersey Supreme Court, and with its approval, the I.C.L.E. respondents have applied the attendance requirement to residents and nonresidents of New Jersey alike.

Relying upon the format for the skills and methods course which was set forth in the "Proposal to Restructure" and adopted by the Supreme Court on June 17,

1986, I.C.L.E. prepares a skills and methods course brochure each winter, spring, summer and fall cycle. Brochures for the appropriate cycles are forwarded by I.C.L.E. to the New Jersey State Board of Bar Examiners for dissemination to all who apply for admission to the bar of the State of New Jersey. Petitioner's Complaint, which was filed in the United States District Court on October 12, 1994, appended as its "Exhibit A" the skills and methods course brochure which he had received for the Fall 1994 cycle. [IRa-1 to IRa-15].[5]

As this brochure indicates, the skills and methods course is a "bridge the gap" program designed to teach the local nuances of New Jersey practice [IRa-11] and to prepare attorneys for the transition from either law school to legal practice or legal practice in other states to practice in New Jersey. [IRa-1; IRa-11]. In order to achieve these objectives, the skills and methods course is divided into two components. [IRa-1]. The first component includes core courses in: (1) family law; (2) real estate; (3) will drafting and probate practice; (4) professional responsibility; and (5) civil or criminal trial preparation. [IRa-2]. The second component of the course consists of two phases of continuing education courses to expand knowledge of New Jersey practice. [IRa-4 to IRa-5].

The core courses are offered by I.C.L.E., four times a year, in spring, summer, fall and winter cycles at regional locations throughout the State of New Jersey. [IRa-2; IRa-4; IRa-14 to IRa-15]. The cycles are offered on several

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[5] The abbreviation "IRa" is used to identify the appendix of the I.C.L.E. respondents attached to this brief.

different schedules, including weekdays, evenings and Saturdays [IRa-2], with only the summer weekday cycle being presented on videotape. [IRa-4]. While the Petition indicates that the skills and methods courses are held "frequently at remote points within the State" [P-13], the brochure appended to petitioner's Complaint in this matter plainly reveals that two skills and methods course locations in northern New Jersey, one course location in central New Jersey and one course location in southern New Jersey were available to registrants for the core components offered in the fall of 1994.[6] [IRa-14 to IRa-15]. These New Jersey course locations in Newark, Whippany, New Brunswick and Cherry Hill cannot fairly be characterized as "remote."

Although registrants for core component skills and methods courses may choose the locations and time schedules which best suit their needs [IRa-2; IRa-7], they are required by the New Jersey Supreme Court to attend all of the courses for which they choose to register. [IRa-6]. In addition to this mandatory attendance requirement, registrants are required to prepare written exercises with regard to each core course which they attend. [IRa-3]. Exercises must be completed and submitted to I.C.L.E., by assigned dates, and passing grades must be received on all five exercises for the core courses which were attended. [IRa-3].

After completion of the core courses, registrants advance to the continuing education component of the

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[6] Similar choices of north, central and south Jersey locations always have been offered for all cycles.

skills and methods course. [IRa-4]. This component is broken down into two phases, comprised of two courses each. In the first phase, administrative law and either civil or criminal trial preparation must be taken. [IRa-5]. In the second phase, registrants can choose any two of the following courses: (1) purchase, organization and sale of a small business; (2) bankruptcy practice; (3) collection practice; (4) municipal court practice; (5) workers compensation practice; and (6) landlord/tenant practice. [IRa-5].

As the brochure appended to petitioner's Complaint reveals, lectures in the continuing education component of the skills and methods course are presented live, twice each year, in northern, central and southern New Jersey locations, and also are presented as video replays at various other times during the year. [IRa-4]. As with the core courses, registrants may choose the locations and time schedules which best suit their needs. [IRa-4; IRa-6]. All registrants, however, are required by the New Jersey Supreme Court to attend the courses which they choose in order to achieve successful completion of the continuing education component of the skills and methods course. [IRa-6].

Video replays of prior lectures are offered by I.C.L.E. to accommodate registrants who have chosen, for their own reasons and convenience, not to attend the live lectures when they were offered. [IRa-4]. Thus, while video replays of prior lectures may be part of the skills and methods course, based on the choices made by particular registrants, there is no support in the record for the statements in the Petition that "[o]nly a handful of the lectures are presented with a live lecturer" and "[t]he vast

majority of the classes are presented on video tape" without most registrants "ever seeing a live lecturer." [P-13]. These inaccurate representations provide no support for the petitioner's cause.

REASONS FOR DENYING THE WRIT

I.

THE PETITION ACKNOWLEDGES THE "WELL-ESTABLISHED PRECEDENT" OF THE SUPREME COURT SETTING FORTH THE ELEMENTS OF DORMANT COMMERCE CLAUSE ANALYSIS AND MERELY DISAGREES WITH HOW THE COURT OF APPEALS CONDUCTED THIS ANALYSIS.

In urging that certiorari should be granted, in this case, the petitioner has not argued that the elements of the dormant Commerce Clause, which have been enunciated repeatedly by this Court, are unclear or in conflict.[7] Instead, the Petition has acknowledged and cited, with approval, the "well-established precedent" [P-19] upon which the Third Circuit Court of Appeals relied in rendering its decision below. *See Tolchin v. Supreme Court of New Jersey*, 111 F.3d 1099, 1106-07 (3d Cir. 1997) (citing

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[7] Although the mandatory attendance rule for the skills and methods course was challenged below on a number of constitutional grounds, the Petition seeks certiorari solely on the ground that this state rule should have been found to be violative of the Commerce Clause. While Question No. 3, as presented in the Petition, does not identify the Commerce Clause as the constitutional provision at issue [P-i], the reasons presented by the petitioner for the granting of the writ address only this clause. [P-15 to P-25].

Brown-Forman Distillers Corp. v. New York Liquor Authority, 476 U.S. 573, 578-79 (1986); *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970)). [Pa-13 to Pa-15].[8]

The thrust of the Petition, therefore, is that the Commerce Clause analysis, established in the foregoing Supreme Court cases and their progeny, was conducted incorrectly by the Court of Appeals. [P-20]. This argument does not provide a compelling basis for the granting of certiorari in this case because, in deciding that the mandatory attendance rule for the skills and methods course is not unconstitutional, the Third Circuit followed a long line of dormant Commerce Clause authorities.[9] Moreover, the Court of Appeals carefully and correctly analyzed the petitioner's constitutional challenge under existing authority. *Tolchin v. Supreme Court of New Jersey*, 111 F.3d at 1106-11. [Pa-12 to Pa-26].

In seeking to convince this Court that a writ of certiorari to the Third Circuit Court of Appeals is warranted with regard to the mandatory attendance rule for the skills and methods course, the petitioner has presented dual arguments that: (1) the challenged rule could not meet the heightened scrutiny test for dormant Commerce

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[8] The abbreviation "Pa" is used to identify the appendix attached to the Petition.

[9] The Supreme Court has recognized "that the Commerce Clause contains an implied limitation on the power of the states to interfere with or impose burdens on interstate commerce . . . in a long line of cases stretching back to the early days of the Republic." *Western and Southern Life Insurance Co. v. State Board of Equalization of California*, 451 U.S. 648, 652 (1981).

Clause analysis, which the Court of Appeals found inapplicable [P-20]; and (2) the more lenient standard, which the court below determined to be applicable, was not properly applied. [P-20; P-23 to P-25]. The Petition is unpersuasive, with regard to the first argument, because it provides no reason why the mandatory attendance rule for the skills and methods course, which is drafted in facially neutral terms and is applied to all attorneys newly admitted to the New Jersey bar, should be considered to be a regulation which directly discriminates against interstate commerce.

The Supreme Court has recognized repeatedly that it is only state regulations which directly regulate or discriminate against interstate commerce, or favor in-state economic interests, which are subject to strict or heightened scrutiny under the dormant Commerce Clause. *See, e.g., Hughes v. Oklahoma,* 441 U.S. 322, 337 (1979); *Brown-Forman Distillers Corp. v. New York State Liquor Authority,* 476 U.S. at 579. The Third Circuit Court of Appeals properly concluded, in its Commerce Clause analysis, that heightened scrutiny was not applicable with regard to the mandatory attendance requirement because it: (1) does not discriminate on its face; (2) applies equally to residents and nonresidents; and (3) does not effectively favor resident attorneys. *Tolchin v. Supreme Court of New Jersey,* 111 F.3d at 1108. [Pa-17]. The Petition, therefore, presents no compelling reason why certiorari should be granted to allow the Supreme Court to undertake a heightened scrutiny analysis which has not been shown to be warranted in this case. *See, e.g, United States v. Johnston,* 268 U.S. 220, 227 (1925) (the Supreme Court generally will deny certiorari where review is sought of a lower court decision

which turns solely upon an analysis of the particular facts involved).

Moreover, despite the petitioner's representation that this case presents an "important question of federal law" [P-15], this matter is not likely to produce an opinion which will give guidance to lower courts considering future dormant Commerce Clause cases. As the Petition reveals, the Third Circuit's decision with regard to the Commerce Clause challenge to the mandatory attendance rule is criticized principally for its alleged improper application of the balancing test set forth by this Court in *Pike v. Bruce Church, Inc.*, 397 U.S. at 142. [P-20; P-23 to P-24]. In short, petitioner suggests that the record does not contain adequate evidence to satisfy the *Pike* test which balances the burden on interstate commerce against the local benefit. [P-23].

As the Third Circuit properly recognized, under the *Pike* balancing test it is necessary only to consider "putative local benefits." 397 U.S. at 142. Such putative legislative or regulatory objectives must be "credibly advanced" in arguments to a court reviewing a statute or rule under the Commerce Clause. *Philadelphia v. New Jersey*, 437 U.S. 617, 624 (1978). Thus, in *CTS Corp. v. Dynamics Corp. of America*, 481 U.S. 69, 92 (1987), the Supreme Court rejected a Commerce Clause claim, despite an Indiana corporate statute's effect on certain aspects of interstate commerce, because it was acknowledged that the State had a significant interest in regulating corporate entities within its borders and the Court was "not inclined 'to second-guess the empirical judgments of lawmakers concerning the utility of [the] legislation.' " (citation omitted).

In rendering its decision in this case, the Third Circuit emphasized both the traditional authority of state courts to control who may be admitted to practice before them and the compelling interest of the states in regulating the legal profession and the practice of law within their borders. *Tolchin v. Supreme Court of New Jersey*, 111 F.3d at 1110 (citing *Leis v. Flynt*, 439 U.S. 438, 444 n.5 (1979); *Goldfarb v. Virginia State Bar*, 421 U.S. 773, 792 (1975)). [Pa-25]. These judicially recognized interests, along with the reasons proffered for the mandatory attendance requirement by the I.C.L.E. respondents [IRa-1; IRa-11], properly led the Court of Appeals to conclude that mandatory attendance at the skills and methods course serves a "defensible educational purpose" which is "rationally connected to its intended benefit." *Id.* [Pa-23]. Under these circumstances, there was no reason for a fuller record to be developed to further investigate either the putative benefits or burdens advanced by the respective parties.[10] *Id.* at 1111 (citing *Goldfarb v. Supreme Court of Virginia*, 766 F.2d 859, 862 (4th Cir. 1985)). [Pa-25 to Pa-26]. Since the Petition seeks certiorari merely to review the sufficiency of facts upon which the Court of

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[10] The Petition represents that the record contains an "unrefuted affidavit" from "an expert in legal education" which was not considered by the Court of Appeals. [P-23 to P-24]. However, the decision of the Third Circuit expressly acknowledged the referenced affidavit and held that, despite its attempt to dispute some of the reasons proffered in support of the educational purpose of the mandatory attendance rule, it "failed to raise any genuine issue of material fact as to whether the mandatory attendance requirement is rationally related to its intended benefits." *Tolchin v. Supreme Court of New Jersey*, 111 F.3d at 1110. [Pa-23].

Appeals relied, a writ is not warranted. *See United States v. Johnston*, 268 U.S. at 227 (the Supreme Court "do[es] not grant a certiorari to review evidence and discuss specific facts").

Notwithstanding the petitioner's dissatisfaction with the Third Circuit's analysis of the mandatory attendance requirement under the dormant Commerce Clause, the decision below presents neither a reviewable nor a reversible question warranting the issuance of a writ of certiorari to the Third Circuit Court of Appeals. *See Ross v. Moffitt*, 417 U.S. 600, 616-17 (1974) (certiorari is not appropriate where the petitioner seeks to challenge only the correctness of the lower court's decision). The Supreme Court's authoritative voice often has been heard with regard to the application of Commerce Clause analysis to constitutional challenges. If the certiorari sought in the Petition in this case were to be granted, this Court's review would focus on the application of well-settled principles of law. Accordingly, the petitioner's acknowledgment of "well-established precedent," on the face of its Petition, serves as a clear affirmation that there is no compelling reason for the writ to be allowed.

II.

THE SUPREME COURT HAS SUGGESTED REPEATEDLY THAT THE INTERESTS OF STATE OR FEDERAL COURT BARS, IN ASSURING THE COMPETENCE OF THEIR ATTORNEYS, MAY BE ADDRESSED BY REQUIRING MANDATORY ATTENDANCE AT SEMINARS ON LEGAL PRACTICE AND PROCEDURE.

In three separate decisions, rendered over the past twelve years, this Court has suggested that, by requiring

mandatory attendance at seminars or lectures on legal practice, state and federal court bars may constitutionally address their interests in assuring the competence of their members. *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985); *Supreme Court of Virginia v. Friedman*, 487 U.S. 59 (1988); *Frazier v. Heebe*, 482 U.S. 641 (1987). Each of these decisions was recognized by the Third Circuit Court of Appeals in its opinion in this case which upheld the mandatory attendance rule for the skills and methods course. *Tolchin v. Supreme Court of New Jersey*, 111 F.3d at 1110 n.5.

The Petition unpersuasively contends that the reliance placed on these decisions below "is a perversion of what this Court appears to have intended. . . . " [P-18]. The petitioner, however, never explains why New Jersey's mandatory attendance requirement for the skills and methods course is unlike the seminar attendance requirements which were suggested in the foregoing cases. Since the attendance rule imposed on skill and methods course registrants in New Jersey is in complete accord with the suggestions of the Supreme Court, the Petition has not set forth a compelling reason for a grant of certiorari on this ground.

In undertaking its Commerce Clause analysis, under the balancing test set forth in *Pike v. Bruce Church, Inc.*, 397 U.S. at 142, the Third Circuit necessarily considered whether "the mandatory attendance requirement for the skills and methods course is rationally related to the benefits it is intended to promote." *Tolchin v. Supreme Court of New Jersey*, 111 F.3d at 1110. [Pa-23]. This search

for a rational relationship, under Commerce Clause analysis, is similar to the test applied to constitutional challenges under the Privileges and Immunities Clause where the Court must consider whether the alleged discrimination "bears a close or substantial relationship to the State's objective." *Supreme Court of New Hampshire v. Piper*, 470 U.S. at 284.

In deciding whether New Hampshire's state residency requirements for admission to the bar impinged upon privileges and immunities protections in *Piper*, the Court considered the rationale, proffered by the Supreme Court of New Hampshire, that nonresident attorneys "would be less likely . . . to become, and remain, familiar with local rules and procedures. . . . " 470 U.S. at 285. This Court rejected this reason and held that the New Hampshire residency requirement did not bear a substantial relationship to it. *Id.* n.19. It pertinently added, however, that a "less restrictive alternative" by which New Hampshire could assure that nonresident members of its bar were familiar with local rules and procedures "would be to require mandatory attendance at periodic seminars on state practice." *Id.* n.19.

Three years later, this Court repeated its approval of mandatory attendance requirements in the context of another Privileges and Immunities Clause case. In *Supreme Court of Virginia v. Friedman*, 487 U.S. 59 (1988), a permanent residency requirement for those admitted to the Virginia bar "on motion" was challenged. *Id.* at 61. In determining that Virginia had not established a substantial reason for this rule, based on its concern that nonresident attorneys would not keep abreast of legal

developments, this Court noted that the state could protect its interests through other means that did not infringe constitutional protections. *Id.* at 69. While it was emphasized that the Supreme Court "is not well positioned to dictate specific legislative choices to the State," it noted that such alternatives existed and included the Supreme Court of Virginia "requir[ing] mandatory attendance at periodic continuing legal education courses." *Id.* (citing *Supreme Court of New Hampshire v. Piper*, 470 U.S. at 285 n.19).

This Court's approval of mandatory attorney attendance at periodic seminars has not been limited to the aforecited privileges and immunities cases. In *Frazier v. Heebe*, 482 U.S. 641 (1987), a bar membership rule of the United States District Court for the Eastern District of Louisiana was held invalid under the Court's inherent supervisory powers. That rule, which required that all applicants for general admission to its bar either reside or maintain an office in the State of Louisiana, was found to be unnecessary. *Id.* at 646. In so holding, this Court pertinently added that "other more effective means of ensuring the competence of bar members are available to the district courts. . . . " *Id.* at 648. Expressly mentioned as one of these "more effective means" were "seminar attendance requirements." *Id.*

Each of the aforecited cases plainly evinces this Court's approval of mandatory attendance at seminars as a proper means to provide bar members with continuing legal education on practice and procedure. Although in neither *Piper*, *Friedman* nor *Frazier* did the Supreme Court expressly indicate where the seminars, which it suggested, should be offered, there is absolutely nothing in

these decisions which would lead one to conclude that attendance could not be required within the state or federal jurisdiction served by the bar at issue. In light of this Court's prior approval of the very means chosen by the New Jersey Supreme Court to assure that newly admitted New Jersey attorneys are aware of local practice and procedure, there is no reason to grant certiorari to review the mandatory skills and methods course attendance rule which has been challenged by the petitioner in this case.

CONCLUSION

This case does not present any question warranting review by the United States Supreme Court. Accordingly, it is submitted that the Petition for a Writ of Certiorari to the Third Circuit Appeals, filed by Robert J. Tolchin, should be denied.

Respectfully,

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APPENDIX

Exhibit A To The Complaint Filed With The United States District Court For The District Of New Jersey On October 12, 1994

[LOGO] **ICLE:**
Advancing the Profession

FALL
1994

Skills and
Methods Course

Administered for
The New Jersey Supreme Court
by the
New Jersey Institute
for Continuing Legal Education

One Constitution Square,
New Brunswick, NJ 08901 (908) 214-8500

Course Overview

Since 1962, the Skills and Methods Course, a nationally renowned "bridge the gap" program, has helped prepare thousands of attorneys for the transition from either law school to practice, or practice in other states to practice in New Jersey.

The course consists of two components, each of which must be completed within certain time frames. The first component is a series of "core courses" which cover the basics of five subject areas most lawyers need to know. The second component consists of two phases of "continuing education courses" that expand your knowledge of New Jersey practice.

Taught by distinguished New Jersey judges, experienced practitioners and related experts, both the "core courses" and the "continuing education courses" provide insight on the latest trends and techniques in the areas covered.

CORE COMPONENT

The first component of the Skills and Methods Course is a series of five "core courses," all targeted to New Jersey practice, including:

- Family Law
- Real Estate
- Will Drafting and Probate Practice
- Professional Responsibility

and (Choose one)

- Civil Trial Preparation

or

- Criminal Trial Preparation

TIME FRAME AND FORMAT

The complete series of "core courses" is offered four times each year (spring, summer, fall and winter cycles) in regional locations throughout the state. The cycles are offered in several different formats – weekdays, evenings, and Saturdays – for your convenience. You can choose the format, location, and time schedule that best suits your needs, but you must complete the series of "core courses" within two cycles after you are sworn in. Or, you may take the series of "core courses" before being sworn in,

even as early as your final semester of law school, if you submit a letter of good standing from your Academic Dean.

PRACTICE EXERCISES

Each of the five "core courses" includes the preparation of a written exercise that is designed to simulate the types of matters new lawyers would be asked to handle by a client (e.g., a real estate closing, a will, a complaint, etc.). Exercises must be completed and submitted by assigned dates, and you must receive passing grades on all five exercises in order to complete this requirement. If you receive a failure or an incomplete grade on an exercise, you may be required to complete a makeup exercise and re-register for that lecture in a subsequent cycle.

FEES

There is a $275 registration fee for the core component which includes tuition for the five core courses, and a complete library of 17 practice handbooks that also cover the continuing education course topics.

TIME FRAME

SWORN IN	CYCLE *Must Complete:*
December	Winter *or* Spring Cycle
June	Summer *or* Fall Cycle

CYCLES

CYCLE	MONTHS OFFERED	FORMAT
Spring	April/May	Two weekday evenings per week for five weeks
Summer	August	Five full day programs on consecutive weekdays (presented on videotape)
Fall	Sept./Oct.	Two weekday evenings per week for five weeks
Winter	Jan./Feb.	Five full day programs on consecutive Saturdays

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CONTINUING EDUCATION COMPONENT

After you complete the "core courses", you advance to the continuing education component, which is broken down into two phases of two courses during each phase. In the first phase, you must take Administrative Law, and either Civil or Criminal Trial Preparation, whichever was not selected as a core course. In the second phase, you can choose any two courses from the list of programs noted on the chart below. The courses offered as part of the continuing education component are presented live twice each year in North, Central and South Jersey locations, and are also presented as video replays at various other times during the year.

Dates, times and full descriptions of each course are featured in the ICLE Newsletter, which you will receive on a regular basis once you register for core courses. You also will receive periodic mailings reminding you of your requirements. Tuition for each continuing education

course is $25 in advance or $75 at the door. There are no practice exercises for these course and materials are included within the library of 17 practice handbooks you receive prior to taking the core courses.

PHASE I

Phase I of the Continuing Education Component includes:

- ✓ Administrative Law
- ✓ *and either* Civil *or* Criminal Trial Preparation (whichever seminar was not selected as a core course.)

You must complete Phase I of the Continuing Education Component within the year beginning one year after you successfully sat for the bar exam. For example, if you successfully sat for the bar exam in February 1994, you must complete both courses in Phase I within the year beginning February 1995 (and not later than January 1996). If your schedule allows, you can complete these courses earlier than the required time frame.

PHASE II

During Phase II of the Continuing Education Component, you may select any two courses from the following:

1. Purchase, Organization and Sale of a Small Business
2. Bankruptcy Practice
3. Collection Practice
4. Municipal Court Practice
5. Workers' Compensation Practice
6. Landlord/Tenant Practice

You must complete Phase II of the Continuing Education Component within the year beginning two years after you successfully sat for the bar exam. For example, if you successfully sat for the bar exam in February 1994, you must complete both courses in Phase II within the year beginning February 1996 (and not later than January 1997). Again, you can always complete these courses earlier than outlined above if your schedule permits.

Staying Informed

You will be notified by letter after you successfully complete each phase of the Skills and Methods requirement. Again, attendance at core courses and continuing education courses is mandated by the New Jersey Supreme Court, and you must complete all phases within the stated time frames to remain eligible to practice law in New Jersey. No waivers are granted based on prior experience in another jurisdiction or experience gained in a law school clinical program or clerkship.

In addition to the Skills and Methods Course, ICLE offers nearly 300 other seminars each year that can assist you as you advance in the profession. Throughout your career, you can turn to ICLE as your primary resource for staying current with New Jersey law and you can take advantage of the wide range of books, cassettes, and software products designed to improve your practice.

ICLE is a nonprofit, self-supporting joint venture of the New Jersey State Bar Association, Rutgers – The State University of New Jersey, and Seton Hall University.

REGISTER EARLY

To guarantee your seat in the format and cycle that best suits your needs, please register early. Registrations are processed on a "first come – first served" basis. Don't risk being closed out of your preferred location. Registration and tuition for the Fall 1994 cycle must be received by August 8, 1994. Registrations received after that date are subject to a $50 late fee, and can only be accepted if space is still available.

Remember to check off the location where you prefer to attend, and mail the application along with credit card information or a check for the full tuition to: Skills and Methods Course Director, ICLE, One Constitution Square, New Brunswick, NJ 08901-1500.

What You'll Receive

■ Confirmation letter with your Skills ID#. Please retain this letter for future reference and include your Skills ID# on all correspondence and exercises. There are often many registrants with the same or similar names. The Skills ID# helps to ensure that you will receive proper credit.

■ Library of 17 practice handbooks, lecture material, practice exercises and forms. These items will be shipped via UPS. Please indicate a preferred shipping address where someone will be present to sign for receipt of the package. Do not use P.O. Box numbers. If you register before the deadline, you can expect to receive your materials approximately two weeks before the first scheduled lecture.

■ Map with directions to course location.

APPLICATION FORM

NAME
LAST FIRST MIDDLE INITIAL

PREFERRED SHIPPING ADDRESS FOR MATERIALS:
____ Home ____ Business

NOTE: Do not use P.O. Box numbers in any address. ICLE ships via UPS. Someone must be present at the address to sign a receipt for materials.

HOME ADDRESS
NUMBER AND STREET APT. NO.

CITY STATE ZIP CODE

AREA CODE PHONE

BUSINESS ADDRESS
LAW FIRM OR COMPANY NAME

NUMBER AND STREET SUITE NO.

CITY STATE ZIP CODE

AREA CODE PHONE AREA CODE FAX

LAW SCHOOL

YEAR GRADUATED

NOTE: FINAL SEMESTER LAW STUDENTS MUST OBTAIN AND SUBMIT CERTIFICATION OF GOOD STANDING FROM LAW SCHOOL DEAN OF STUDENTS IN ORDER TO TAKE SKILLS AND METHODS COURSE.

SOCIAL SECURITY NUMBER

_____

GENDER:___ MALE ___ FEMALE

CHECK BOX WHERE APPLICABLE:

NEW REGISTRANTS:

___ I enclose my full $275.00 tuition.

___ If registering after 8/8/94, I enclose $325 which includes $50.00 late fee.

RE-REGISTRANTS:

___ I enclose my full $75.00 re-registration fee.

___ If registering after 8/8/94, I enclose $125 which includes $50.00 late fee.

EITHER: *(Choose One Trial Course)*

___ Civil Trial Preparation *or*

___ Criminal Trial Preparation

PREFERRED LOCATION:

___ Hanover Marriott, Whippany SSNORTH – 576

___ Hilton Gateway, Newark SSNORTH – 583

___ NJ Law Center, New Brunswick SSCENTRAL – 59

___ Sheraton Inn, Cherry Hill SSSOUTH – 597

Month/Year

___ I successfully sat for the NJ Bar Examination in _____

___ I was admitted to the NJ Bar in _____

PAYMENT BY CHECK:
___ FIRM ___ PERSONAL
(Make all checks payable to NJ ICLE)

PAYMENT BY CREDIT CARD:
___ VISA ___ MASTERCARD ___ AMEX

ACCOUNT NUMBER
_____

EXPIRATION DATE _____ TODAY'S DATE _____

NAME ON CARD _____

SIGNATURE _____

_____

ICLE OFFICE USE ONLY
AMOUNT PAID $ _____ CHECK # _____
DATE RECEIVED _____ ID#_____

_____

From the Skills and Methods Course Director

[LOGO]

NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION

The non-profit, continuing education service of the
NEW JERSEY STATE BAR ASSOCIATION
SETON HALL UNIVERSITY
RUTGERS-THE STATE UNIVERSITY OF NEW JERSEY

Dear New or Prospective Attorney:

Congratulations on your decision to practice law in New Jersey.

The law is a dynamic and exciting field – one that calls for constant learning and professional development. That is why ICLE, the Institute for Continuing Legal Education, is ready to provide you with the advanced training and information you need to effectively practice law in New Jersey. For more than 30 years, ICLE has served the New Jersey bench and bar by offering a wide range of seminars, books, audiocassettes, videotapes, and computer software designed to advance the profession. ICLE also administers the Skills and Methods Course on behalf of the New Jersey Supreme Court. The Skills and Methods Course is a nationally renowned "bridge the gap" program that has helped prepare thousands of New Jersey attorneys for the transition for either law school to practice or practice in other states to practice in New Jersey.

Because New Jersey is committed to the highest standards of legal professionalism, every attorney must complete all portions of the Skills and Methods Course in addition to passing the bar examination and satisfying character and fitness requirements to be eligible to practice law in New Jersey. The Skills and Methods Course supplements your formal education or previous experience in another state through a series of practical seminars, written exercises and comprehensive handbooks that are designed to teach you the local nuances of New Jersey practice so you can get up to speed quickly and avoid costly mistakes.

The Skills and Methods Course is required for all attorneys beginning to practice in New Jersey, so I encourage you to register early to get the time frame and course format you prefer. As explained in this application, you don't need to wait until you receive your bar exam results to register for the course.

We look forward to helping you fulfill your mandatory Skills and Methods requirement and to serving as your partner in practice throughout your legal career.

Congratulations and continued success.

Sincerely,
Joseph J. Hogya, Esq.
Skills and Methods
Course Director

A COMPLETE LIBRARY

Upon registering for the core component, you will receive a comprehensive library of 17 practice handbooks. In addition to using these books at required classes, you also can use the complete set to resolve many problems commonly experienced in the first few years of practice. They contain forms and checklists that experienced practitioners regularly use. You'll also receive an Exercise Materials packet with five practice exercises for core courses, along with note-taking outlines and commonly used legal forms.

Your library:

- Real Estate Closing Procedures
- Basic Estate Planning

- Civil Trial Preparation
- Try-It Again
- Workers' Compensation
- Bankruptcy
- Municipal Land Use
- Organization and Sale of Small Businesses
- Professional Responsibility in New Jersey
- Trust and Business Accounting for Attorneys
- Family Law
- Basic Estate Administration
- Criminal Trial Preparation
- Tenant/Landlord Practice
- Collection Practice
- Municipal Court
- Administrative Law

The items delivered will be the most current editions available at the time of shipment. To keep your library current, you may wish to purchase updated editions as they become available. Check the ICLE Catalog for information on new and updated publications.

Tentative Fall 1994 Course Schedule

The Fall 1994 cycle consists of lectures presented on two weekday evenings per week for five weeks. All lectures meet from 6 p.m. to 10 p.m. Please plan to arrive early so that you can register and be seated before the program begins.

COURSE	DATE
Family Law	Sept. 12 & 13
Real Estate	Oct. 3 & 4
Will Drafting/Probate Practice	Oct. 10 & 11
Professional Responsibility	Oct. 17 & 18
Civil Trial or Criminal Trial Preparation	Oct. 24 & 25

Refunds

Tuition for the Fall 1994 program will be fully refunded if your request is received before August 8, 1994 and all course materials are returned unused. If your request is received after that date, there is a $50 service charge to cover printing, postage and administrative costs.

Inclement Weather Cancellations

ICLE generally does not cancel seminars due to inclement weather. However, in the event of SEVERE weather conditions, please call 908-249-5100 or 908-214-8500 after 7:30 a.m. for daytime programs or after 3 p.m. for evening programs. You also can listen to radio stations 101.5 FM or 1260 AM for inclement weather cancellations, or call the actual site after 7:30 a.m. on the morning of the program.

Course Locations

NORTH JERSEY
Hanover Marriott, Whippany
Route 10 off Rts. 287, 80, 46

NORTH JERSEY
Hilton Gateway, Newark
Opposite Penn Station

CENTRAL JERSEY
NJ Law Center, New Brunswick
Ryders Lane Exit off Rt. 1

SOUTH JERSEY
Sheraton Inn, Cherry Hill
Route 70 West and I-295

To ensure adequate seating, you can attend only those courses and sites for which you register. If you need to change sites or courses after submitting this Registration form, please contact the Skills and Methods Course Director.

REMEMBER: REGISTER EARLY Don't get closed out of the session you want! Send your application in today.